

FILED

1 YOUR NAME ASNKU AYALNEH
2 YOUR ADDRESS 7227 Laddeck Ct., San Diego, CA 92114
3 YOUR TELEPHONE NUMBER 619-701-1147

2010 NOV 22 PM 12:32
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

4 SIMAGNE WEBEA
5 323 Lemon Lane
6 Lemon Grove, CA 91945
7 619-337-4119

BY  DEPUTY

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 (Must start on line 8 or below)

11 ASNKU AYALNEH, SIMAGNE)
12 WEBEA, and John Does 1-)
13 100,)
14 Plaintiffs,)
15 -v-)
16 HILTON HOTEL MISSION)
17 VALLEY, a corporation,)
18 GREG COLE, AMY KONOPASEK)
19 Defendants.)

Case No. 10 CV 2402 JLS POR
(To be assigned at time of filing)

COMPLAINT FOR (Brief description of document)
EMPLOYMENT DISCRIMINATION
PURSUANT TO CLASS ACTION ACT
OF 2005(CAFA)

Plaintiff alleges:

- During the course of 11 years employment with Hilton Hotel Mission Valley plaintiff Asnku Ayalneh has trained new employees for the position held by her just to later see the same employees advance before plaintiff in both position and pay.
2. Plaintiff has no write ups or negative reports, evaluations or bad conduct reports in 11 years employed by defendants yet the plaintiff's work hours were cut. Plaintiff has not received any promotions in a 11 year period.
3. Plaintiff is constantly subjected to direct discrimination

CR

1 by manager Greg Cole who states plaintiff's African accent was unexcept-
2 able as an employee and that she does not know how to do her job.

3 4. Plaintiff allege that after reporting acts of discrimination on the
4 work place Human Resources agent Amy Konopasek failed to investigate the
5 case to resolve these issues of employment discrimination by manager Greg
6 Cole nor was any action taken in the matter.

7 5. Plaintiff alleges co-worker Simagne Webea and many other people of color
8 are discriminated against by defendants in employment because of their
9 race and national origin throughtout her 11 years employment with Hilton
10 Hotel Mission Valley by all defendants.

11 6. Plaintiff alleges racial discrimination is an on going problem in the
12 work place of Hilton Hotel Mission Valley against minorities and women.

13 7. Plaintiff Simagne Webea alleges she works under same circumstances as
14 co-worker Asnku Ayalneh of same national origin being discriminated again-
15 st by all defendants herein.

16 8. Plaintiff Simagne Webea has been employed by Hilton Hotel Mission Valley
17 for approximately nine(9) years has no write ups,or negative reports,bad
18 evaluations or otherwise at work. Plaintiff has not received any promotions
19 in 9 years employed by defendants. Plaintiff's hours were cut to only a few
20 hours per month which is not enough to pay her bills now.

21 9. Plaintiff's direct supervisor is Greg Cole who constantly discriminates
22 against me making negative remards concerning my African accent. Defendant
23 Greg Cole's discrimination acts extend to constant criticism about plaint-
24 iff's job performance.

25 10. Plaintiff alleges that during her 9 years of employment with Hilton
26 Hotel Mission Valley she witnessed other people of color being discrimin-
27 ated against because of their race and national origin receiving none of
28 the available higher positions with the company.

11. Plaintiffs Asnku Ayalneh and Simagne Webea allege that during all acts of employment discrimination by defendants Greg Cole and Amy Konopasek defendants were employed by Hilton Hotel Mission Vally.

12. Plaintiff allege that at all times during federal violations stated herein defendants Greg Cole and Amy Konopasek acting as agents for the Hilton Hotel Mission Valley and all acts were committed within the scope of their agent's authority or apparent authority of employment, therefore triggering respondeat superior.

BLACKS LAW DICTIONARY defines **respondeat superior**: Lat. Let the superior answer. Doctrine that a principal(master or employer)is liable for injuries proximately resulting from the negligent acts of his agent(servant or employee)when the acts are committed within the scope of the agent's authority or apparent authority of employment. The principal,who is deemed to act through his agents,maintains a duty to conduct his affairs so as not to injure others,and is thus liable for the negligent acts of his agent.

JURISDICTION

A. Jurisdiction is invoked pursuant to Title VII of the federal Civil Rights Act of 1964, Amendment XIV. of the United States Constitution and the Class Action Act of 2005(CAFA).

B. Request for Relief

Plaintiffs request that this Court grant the following relief:

1. An injunction preventing defendant(s) from continuing their behavior of employment discrimination against people of color.
2. Class Action Certification Order pursuant to The 2003 amendments to Rule 23(c)(1).
3. Damages in the sum of \$7,500,000.00

1 4. Punitive damages in the sum of \$ what this Court deems fair.

2 C. Demand for Jury Trial

3 Plaintiffs demands a trial by jury.

4 D. Plaintiffs request that a district judge be designated to decide
5 dispositive matters and trial in this case.

6
7
8 RESPECTFULLY SUBMITTED this ^{22nd} day of NOVEMBER, 2010.

9
10 BY Asnaku AYALNEH
11 ASNKU AYALNEH
12 IN PROPRIA PERSONA

13 Simagne WEBEA
14 SIMAGNE WEBEA
15 IN PROPRIA PERSONA
16
17
18
19
20
21
22
23
24
25
26
27
28

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS ASNKU AYANNEH, SIMAGNE WEBEA, and John Does 1-100 (b) County of Residence of First Listed Plaintiff <u>SAN DIEGO</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) IN PROPRIA PERSONA	DEFENDANTS HILTON HOTEL MISSION VALLEY, a corporation, GREG COLE, AMY KONOPASEK, County of Residence of First Listed Defendant <u>SAN DIEGO</u> (IN U.S. PLAINTIFF CASES ONLY) <u>11-22-10</u> NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) <div style="text-align: center; font-size: 1.5em;">10 CV 2402</div> <div style="text-align: right; font-size: 1.5em;">JLS POR</div>
---	--

II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:33%;">PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business In This State</td> <td style="width:33%;">PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td>PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4										
Citizen of Another State	PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5										
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6										

IV. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Acts <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN (Place an "X" in One Box Only)						
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>Equal Employment Opportunity Act of 1972, Civil Rights Act of 1964</u>	
<u>42:1983ed</u>	Brief description of cause: <u>Discrimination at the work place.</u>	

VII. REQUESTED IN COMPLAINT:	<input checked="" type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ <u>7,500,000.</u>	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
------------------------------	---	-----------------------------	--

VIII. RELATED CASE(S) IF ANY	(See instructions): JUDGE _____	DOCKET NUMBER _____
------------------------------	---------------------------------	---------------------

DATE <u>11-22-10</u>	SIGNATURE OF ATTORNEY OF RECORD <u>ASNKU AYANNEH</u>
FOR OFFICE USE ONLY	<div style="text-align: right; font-size: 1.2em;">Simone Lee</div>

RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____
-----------------	--------------	--------------------	-------------	------------------

IFP's Pending